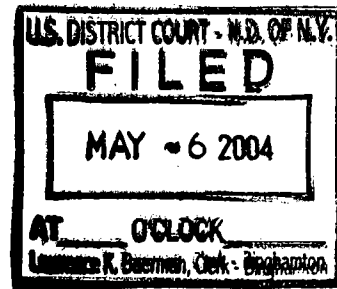


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**



KRISTEN B. NESTLER,

Plaintiff,

-against-

02-CV-1115

**COMPASS GROUP, USA, INC.,
and PAUL KROUSE,**

Defendants.

VERDICT SHEET FORM

PLEASE NOTE - Each Juror will be provided with a Verdict Sheet Form in order to facilitate understanding of the charge and to aid in deliberation. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT SHEET FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Sheet Forms should be returned to the courtroom deputy unsigned. The questions must be answered unanimously.

1. Taking into account Plaintiff's burden of proving sexual harassment, and the employer's burden of proving its affirmative defense, do you find that the employer is liable to Plaintiff for sexual harassment under Title VII?

☒ Yes ☐ No

Proceed to next question.

2. Do you find that the employer is liable to Plaintiff for sexual harassment under the New York State Human Rights Law?

☒ Yes ☐ No

Proceed to next question.

3. Do you find that Paul Krouse is a liable to Plaintiff for sexual harassment under the New York State Human Rights Law?

☒ Yes ☐ No

Proceed to next question *only if* you answered "yes" to questions 1, 2, or 3. If you answered "no" to all of the first three questions, proceed to question 9.

4. What amount of compensatory damages do you award Plaintiff as a consequence of being subjected to sexual harassment?

Note: This amount does not include "actual damages" such as back or front pay. The amount must be at least \$1.00.

\$ 100,000⁰⁰

Proceed to next question.

5. Do you find that Plaintiff has proven that she was constructively discharged and is therefore entitled to "actual damages"?

✓ Yes No

Proceed to next question *only if* you answered "yes" to question 5. If you answered "no" to question 5 and "yes" to question 1, proceed to question 8. If you answered "no" to questions 1 & 5, proceed to question 9.

6. What amount do you award Plaintiff for back pay?

Note: This amount includes lost pay up to the date of your verdict.

\$ 35303⁰⁰

Proceed to next question.

7. What amount do you award Plaintiff for front pay?

Note: This amount includes pay that you find Plaintiff would be entitled to in the future.

\$ 7670⁰⁰

Proceed to the next question *only* if you found the employer liable under Title VII by answering "yes" to question 1. If you answered "no" to question 1, proceed to question 9.

8. (A). Do you find that Plaintiff is entitled to punitive damages against the employer for a Title VII violation?

✓ Yes No

Proceed to question 8(B) *only* if you answered "yes" to question 8(A). If you answered "no" to question 8(A), skip question 8(B) and proceed to question 9.

(B) What amount of punitive damages do you award Plaintiff against the employer for the Title VII violation?

\$ 15,000,000⁰⁰

Proceed to next question.

9. Do you find that Paul Krouse committed a battery against Plaintiff under New York Law for an alleged hug on February 11, 2002 ?

_____ Yes

☒ No

Proceed to next question *only* if you answered "yes" to this question. If you answered "no," proceed to question 12.

10. What amount of damages do you award Plaintiff for being subjected to a battery on February 11, 2002 ?

Note: Remember, Plaintiff is not entitled to recover twice for the same damages.

\$ _____

Proceed to next question.

11. Do you find that Plaintiff is entitled to punitive damages against Paul Krouse for a battery on February 11, 2002 ?

_____ Yes

_____ No

Proceed to next question.

12. Do you find that Paul Krouse committed a battery against Plaintiff under New York Law for an alleged hug on February 19, 2002 ?

_____ Yes ☒ No

Proceed to next question *only* if you answered "yes" to this question. If you answered "no," proceed to question 15.

13. What amount of damages do you award Plaintiff for being subjected to a battery on February 19, 2002 ?

Note: Remember, Plaintiff is not entitled to recover twice for the same damages.

\$ _____

Proceed to next question.

14. Do you find that Plaintiff is entitled to punitive damages against Paul Krouse for a battery on February 19, 2002 ?

_____ Yes _____ No

Proceed to next question.

15. Do you find that Paul Krouse committed a battery against Plaintiff under New York Law for allegedly slapping her with a file on February 28, 2002 ?

_____ Yes

_____ ☒ No

Proceed to next question *only* if you answered "yes" to this question. If you answered "no," proceed to question 18.

16. What amount of damages do you award Plaintiff for being subjected to a battery by being slapped with a file on February 28, 2002 ?

Note: Remember, Plaintiff is not entitled to recover twice for the same damages.

\$ _____

Proceed to next question.

17. Do you find that Plaintiff is entitled to punitive damages against Paul Krouse for a battery by being slapped with a file on February 28, 2002 ?

_____ Yes

_____ No

Proceed to next question.

18. Do you find that Paul Krouse committed a battery against Plaintiff under New York Law for allegedly poking her with a magic marker on February 28, 2002 ?

_____ Yes _____ No

Proceed to next question *only* if you answered "yes" to this question. If you answered "no," proceed to the end.

19. What amount of damages do you award Plaintiff for being subjected to a battery by being poked with a magic marker on February 28, 2002 ?

Note: Remember, Plaintiff is not entitled to recover twice for the same damages.

\$ _____

Proceed to next question.

20. Do you find that Plaintiff is entitled to punitive damages against Paul Krouse for a battery by being poked with a magic marker on February 28, 2002 ?

_____ Yes _____ No

Your deliberations are complete.

PLEASE REPORT YOUR VERDICT TO THE MARSHAL. PLEASE
REMEMBER TO DATE AND SIGN THIS VERDICT SHEET. THANK
YOU.

5/7/04
Date

[Signature]
Foreperson